

October 2, 2002

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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Seattle, Washington 98164
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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2452**
Proposed Ordinance No. **2002-0401**

WASHINGTON NATIONAL GOLF CLUB LLC
Road Vacation Petition

Location: Portion of SE Diamond Drive NE of 138th Pl. SE

Applicant: Washington National Golf Club LLC, *represented by*
Stephen Speidel, ASLA
R.W. Thorpe & Associates, Inc.
705 Second Avenue, Suite 710
Seattle, WA 98104
Telephone: (206) 624-6239

King County: Department of Transportation, Road Services Division,
represented by **Dennis Gorley**
201 S. Jackson Street
Seattle, WA 98104-3858
Telephone: (206) 296-6522
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2452 was received by the Examiner on September 17, 2002.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2452 was opened by the Examiner at 1:30 p.m., October 1, 2002, in the Eighth Floor Conference Room of the Union Bank of California Building, 900 – 4th Avenue, Seattle, WA 98104, and closed at 1:35 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portion of SE Diamond Drive northeast of 138 th Pl. SE Thomas Bros. Page 716, G5-H6.
Right of way classification:	“D”
Area:	NA
Compensation:	\$200.00

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the October 1, 2002, public hearing and the statement of facts contained in Proposed Ordinance No. 2002-0401. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2002-0401 to vacate the subject road.

RECOMMENDED this 2nd day of October, 2002.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 2nd day of October, 2002, to the following parties and interested persons:

R.W. Thorpe & Associates, Inc.
Attn: Steve Speidel
705 Second Ave., Ste. 710
Seattle WA 98104

Jodi Simmons
Engineer II
DOT/Road Services
MS KSC-TR-0231

Washington National Golf Club LLC
Attn: Cecil Chen
14330 SE Husky Way
Auburn WA 98092

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Clerk of the Council
MS KCC-CC-1025

Dennis Gorley
Dept of Transportation
Road Services Division
MS KSC-TR-0231

Paulette Norman
KCDOT
Roads Division
MS KSC-TR-0231

Lydia Reynolds-Jones
King County Dept Transportation
Manager/Project Support Services
MS KSC-TR-0231

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before October 16, 2002. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before October 23, 2002.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council

may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE OCTOBER 1, 2002 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2452

Stafford Smith was the Hearing Examiner in this matter. Participating in the hearing were Jodi Simmons, representing the Department; and Stephen Speidel, representing the Applicant.

The following exhibits were offered and entered into the record:

Exhibit No. 1	DOT report to the Hearing Examiner dated October 1, 2002
Exhibit No. 2	Letter from Anne Noris to Paul Toliver dated April 30, 2002
Exhibit No. 3	Letter from Stephen Speidel to KCC re: Reason for Vacation dated April 30, 2002
Exhibit No. 4	Copy of check from SCGCC dated April 19, 2002 for \$100 and receipt for same
Exhibit No. 5	Letter from Dennis Gorley to Stephen Speidel dated May 14, 2002
Exhibit No. 6	Petition for Vacation of a County Road noting that it is a "Corrected Original"
Exhibit No. 7	Vicinity Map
Exhibit No. 8	Map outlining proposed Vacation of SE Diamond Drive
Exhibit No. 9	Letter from Paulette Norman and Harold Taniguchi to KCC dated May 15, 2002
Exhibit No. 10	Letter from Paulette Norman to Washington National Golf Club dated May 24, 2002
Exhibit No. 11	Copy of check from SCGCC for \$200.00 dated June 5, 2002
Exhibit No. 12	Letter from Ron Sims to Cynthia Sullivan dated August 22, 2002
Exhibit No. 13	Ordinance authorizing vacation of the portion of SE Diamond Drive
Exhibit No. 14	Hearing Examiner's report and decision on Application for Plat Alteration dated May 29, 2002.
Exhibit No. 15	Notice of Hearing
Exhibit No. 16	Affidavit of Posting